

**FACT SHEET
FOR GENERAL PERMIT NO. LAG780000 CONSTRUCTION/DEMOLITION
DEBRIS AND WOODWASTE LANDFILLS
GENERAL PERMIT**

FACT SHEET FOR THE DRAFT LOUISIANA POLLUTANT DISCHARGE
ELIMINATION SYSTEM (LPDES) PERMIT TO DISCHARGE WASTEWATERS FROM
CONSTRUCTION/DEMOLITION DEBRIS AND WOODWASTE LANDFILLS TO
WATERS OF THE STATE OF LOUISIANA

Permit No. LAG780000

Issuing Office: State of Louisiana
Department of Environmental Quality
Office of Environmental Services
Permits Division

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Permit Action: Renewal of a General Permit for discharges of wastewater and storm water from construction/demolition debris and woodwaste landfills.

Date Prepared: February 22, 2006; updated August 9, 2006

I. COVERED ACTIVITY (LAC 33:IX.3111.B.1,2)

The permit shall cover certain Type III construction/demolition debris and woodwaste landfills. In line with the provisions of 40 CFR 445.1, Effluent Limitations Guidelines for the Landfills Point Source Category, certain landfill and wastewater types, such as those from landfills associated with industrial or commercial operations (captive landfills) and contaminated ground water from recovery wells, are not included in coverage by this permit; see exclusions in Permit Part I.A.2.

DEFINITIONS: Wastewater from Construction Debris and Woodwaste Landfills (from LAC 33:VII.115):

- (1) Construction/Demolition Debris: nonhazardous waste generally considered not water-soluble, including but not limited to metal, concrete, brick, asphalt, roofing materials (shingles, sheet rock, plaster), or lumber from a construction or demolition project, but excluding friable asbestos-contaminated waste, white goods, furniture, trash, or treated lumber. The admixture of construction and demolition debris with more than five percent by volume of paper associated with such debris or any other type of solid waste (excluding woodwaste or yard waste) may result in a classification as other than construction/demolition debris by the LDEQ Permits Division, Office of Environmental Services.

- (2) Landfill: a facility for the disposal of solid waste, other than landfarm(s) or surface impoundment(s), that disposes of solid waste by placing it on or into the land surface and usually also compacting and covering with suitable cover material to a depth and at a frequency sufficient to control disease vectors and odors and in a manner that protects human health and the environment.
- (3) White Goods: discarded domestic and commercial appliances, such as refrigerators, ranges, washers, and water heaters.
- (4) Woodwaste: yard trash and types of waste typically generated by sawmills, plywood mills, and woodyards associated with lumber and paper industry, such as wood residue, cutoffs, wood chips, sawdust, wood shavings, bark, wood refuse, wood-fired boiler ash, and plywood or other bonded material that contains only phenolic-based glues or other glues that are approved specifically by the LDEQ Permits Division. Treated or painted lumber is not considered woodwaste under this definition.
- (5) Yard Trash: vegetative matter resulting from landscaping, maintenance, or land-clearing operations, including tree and shrubbery leaves and limbs, grass clippings, and flowers.

II. DISCHARGE DESCRIPTION (LAC 33:IX.3111.B.2)

The permit shall cover only discharges from construction/demolition debris and woodwaste landfills. This permit authorizes discharge of the following types of wastewaters.

- 1) Landfill Wastewater (including, but not limited to, cell dewatering wastewater, vehicle wash water, and contact storm water)
- 2) Maintenance and Repair Shop Floor Washwater
- 3) Treated Sanitary Wastewater
- 4) Non-Contaminated Storm Water

III. DISCHARGE LOCATION (LAC 33:IX.6519.1)

Within the geographic boundaries of the State of Louisiana.

IV. RECEIVING STREAM/USES (LAC 33:IX.6519.2)

A covered facility may discharge to any waterbody within the geographic boundaries of the State of Louisiana, as defined in LAC 33:IX.1123 and 2313, with the exception of Outstanding Natural Resource waterbodies.

The possible uses of the receiving streams are:

Primary Contact Recreation
Fish and Wildlife Propagation
Shellfish Propagation

Secondary Contact Recreation
Drinking Water Supply
Agriculture

V. PROPOSED EFFLUENT LIMITATIONS AND/OR CONDITIONS

The specific effluent limitations and/or conditions will be found in the draft permit. Development of permit limits is detailed in the Draft Permit Rationale section below.

VI. DRAFT PERMIT RATIONALE (LAC 33:IX.3111.B.4, LAC 33:IX.3305.A.2.a.iv)

The following section sets forth the principal facts and the significant factual, legal, methodological, and policy questions considered in preparing the draft permit.

A. TECHNOLOGY-BASED VERSUS WATER QUALITY STANDARDS-BASED EFFLUENT LIMITATIONS AND CONDITIONS

Following regulations promulgated at LAC 33:IX.2707.L.2.b/40 CFR Part 122.44(l)(2)(ii), the draft permit limits are based on either technology-based effluent limits pursuant to LAC 33:IX.2707.A/40 CFR Part 122.44(a) or on State water quality standards and requirements pursuant to LAC 33:IX.2707.D/40 CFR Part 122.44(d), whichever are more stringent.

For all parameters, the technology-based draft permit effluent limits are more stringent than those based on state water quality numerical standards.

B. TECHNOLOGY-BASED EFFLUENT LIMITATIONS AND CONDITIONS (LAC 33:IX.3111.B.4)

1. GENERAL COMMENTS

Regulations promulgated at LAC 33:IX.2707.A/40 CFR Part 122.44(a) require technology-based effluent limitations to be placed in LPDES permits based on effluent limitations guidelines where applicable, on BPJ (best professional judgment) in the absence of guidelines, or on a combination of the two. For the covered "landfill wastewaters", effluent limitation guidelines were promulgated by EPA on January 19, 2000. Sanitary discharges are regulated by technology effluent limitations, secondary levels of treatment. No effluent guidelines have been promulgated for the other covered discharge types, so limitations have been established based on BPJ.

2. LIMITED PARAMETERS

SCHEDULE A: Landfill Wastewater

The proposed limitations and parameters are based on EPA's effluent limitation guidelines for these discharges. Effluent limitation guidelines for the Landfills Point Source Category were published in the Federal Register (Volume 65, Number 12, Page 3007-3051) on January 19, 2000. Limitations covering "landfill wastewater" at RCRA Subtitle D Non-Hazardous Waste Landfills are included at 40 CFR 445 Subpart B. Landfill wastewater is defined at 40 CFR 445.2(f) and includes leachate, gas collection condensate, drained free liquids, lab wastewater, contaminated storm water, and contact washwater from washing truck, equipment, and railcar exteriors and surface areas which have come in direct contact with solid waste at the landfill facility. Specifically excluded from this definition are sanitary wastewater, non-contaminated storm water, contaminated ground water, and wastewater from recovery pumping wells. (Because they are expected to be present at a majority of the covered facilities, coverage with non-guideline limits is included in this permit for sanitary wastewater and non-contaminated storm water; the other two wastewater types will require alternate, appropriately-established coverage depending on the specifics in each case.)

Special provisions applicable to storm water are also included as Permit Part II.Q.

SCHEDULE B: Maintenance and Repair Shop Floor Washwater

- a. Total Suspended Solids: This effluent limitation has been included based on BPJ, the LPDES Vehicle Washing General Permit, and previously issued permits that have established a Daily Maximum limitation of 45 mg/L as a technology limitation for these facilities.
- b. Chemical Oxygen Demand: This effluent limitation has been included based on BPJ; the LPDES Vehicle Washing General Permit; and previously issued permits that have established a Monthly Average of 200 mg/L and a Daily Maximum of 300 mg/L as technology limitations for COD for these facilities. These numerical limitations have historically been required in permits for these facilities.
- c. Oil & Grease: This effluent limitation has been included based on BPJ; the LPDES Vehicle Washing General Permit; and previously issued permits for these facilities that have established a Daily Maximum technology limit for Oil and Grease at 15 mg/L.
- d. pH: This effluent limitation has been included based on BPJ; the LPDES Vehicle Washing General Permit; and previously issued permits for these facilities that have established the pH limitation of between 6.0 to 9.0 s.u. as a technology limit.

- e. Soaps and/or Detergents: This condition has been included based on BPJ; the LPDES Vehicle Washing General Permit; and previously issued permits for these facilities. This condition has historically been required in these permits as a standard condition.
- f. Visible Sheen: This condition has been included based on BPJ; the LPDES Vehicle Washing General Permit; and previously issued permits for these facilities. This condition has historically been required in these permits as a standard condition.

SCHEDULE C: Treated Sanitary Wastewater Discharges Under 5,000 GPD

- a. Total Suspended Solids: The Weekly Average limitation of 45 mg/L is based on the technology effluent limitation (secondary level of treatment) derived from the LPDES Class I General Sanitary Permit (LAG530000).
- b. Biochemical Oxygen Demand (BOD₅): The Weekly Average limitation of 45 mg/L is based on the technology effluent limitation (secondary level of treatment) derived from the LPDES Class I General Sanitary Permit (LAG530000).
- c. Fecal Coliform Colonies/100 ml: The Weekly Average limitation of 400 colonies/100 ml is based on the technology effluent limitation (secondary level of treatment) derived from the LPDES Class I General Sanitary Permit (LAG530000).
- d. pH: The pH limitation of between 6.0 to 9.0 s.u. is based on the technology effluent limitation (secondary level of treatment) derived from the LPDES Class I General Sanitary Permit (LAG530000).

SCHEDULE D: Non-Contaminated Storm Water Discharges

Discharges of non-contaminated storm water are regulated by means of BAT/BPT requirements established in the September 29, 1995, NPDES Storm Water Multi-Sector General Permit (MSGP) for Industrial Activities, and included in the reissued MSGP LAR050000 finalized May 1, 2006. Benchmark monitoring for Total Recoverable Iron and TSS, and effluent limitations for TOC and Oil and Grease are included as well as Storm Water Pollution Prevention Plan requirements which were established for the discharges in the MSGP (see Permit Part II.Q).

3. MONITORING FREQUENCIES FOR LIMITED PARAMETERS

Regulations require permits to establish monitoring requirements to yield data representative of the monitored activity (LAC 33:IX.2715/40 CFR 122.48(b)) and to assure compliance with permit limitations (LAC 33:IX.2707.I.1/40 CFR 122.44(i)(1)).

For discharges other than non-contaminated storm water, the draft permit establishes monitoring frequencies equivalent to those in the current LPDES and LWDPs individual permits issued by this Office to these facilities. For non-contaminated storm water discharges, proposed monitoring requirements are equivalent to those in the 1995 NPDES MSGP and the reissuance MSGP-2006, LAR050000.

VII. FINAL DETERMINATION

On the basis of preliminary staff review, the Department of Environmental Quality has made a tentative determination to issue a permit for the discharges described above in I and II.

VIII. PUBLIC NOTICES (LAC 33:IX.3111.B.6, LAC 33:IX.3113)

Public Notice for General Permit LAG780000

Upon publication of the public notice, a public comment period shall begin on the date of publication and last for at least 30 days thereafter. During this period, any interested persons may submit written comments on the draft permit and may request a public hearing to clarify issues involved in the permit decision at this Office's address which will be provided in the published notice. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing.

Public Notice Requirements for NOIs Requesting Coverage Under LAG780000

In addition, within sixty (60) days after the NOI is determined administratively complete, each application for coverage under this general permit shall be public noticed by the applicant, if not already covered by a valid LPDES permit which has already been public noticed, and proof of publication submitted to this Office. A public comment period shall begin on the date of publication and last for at least 30 days thereafter. During this period, any interested persons may submit written comments on the issuance of coverage under the general permit and/or may request a public hearing to clarify issues involved in the permit decision by submitting these to this Office at the following address: Office of Environmental Services, Department of Environmental Quality, P.O. Box 4313, Baton Rouge, LA 70821-4313. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing.

This public notice shall be published once in the local newspaper serving the location of the proposed discharge or, in the absence of a local newspaper, a newspaper of general circulation at that location. Coverage under this permit will not be authorized until the 30-day comment period is completed and all comments are considered. (Facilities with a valid individual or general LPDES permit which covers the proposed discharges are exempt from the requirement to public notice their intent to seek coverage under this general permit because public comment regarding the facility/operation would have been previously sought and considered relative to the issuance of the LPDES permit.) If the applicant does not public notice the intent to seek coverage under this general permit and

submit proof of publication within sixty (60) days of a determination of administrative completeness, the NOI will be considered withdrawn by the applicant and authorization to discharge will not be granted unless a new NOI and proof of publication are submitted.

IX. ENDANGERED SPECIES ACT:

In accordance with the correspondence dated September 29, 2006, from Watson (FWS) to Gautreaux (LDEQ), the U.S. Fish and Wildlife Service has determined that discharges of wastewater from construction and demolition debris landfills in compliance with the conditions of this permit do not have the reasonable potential to impact the receiving waterbodies which have been identified by the U.S. Fish and Wildlife Service (FWS) as habitat for threatened or endangered species, or which constitute critical habitat for these species.

X. HISTORICAL PRESERVATION ACT

As set forth in the National Pollutant Discharge Elimination System Memorandum of Agreement between the LDEQ and the United States Environmental Protection Agency (U.S. EPA), LDEQ will consult with the Louisiana State Historical Preservation Officer in accordance with Section 106 of the National Historic Preservation Act. All NOIs for proposed facilities will be sent to the State Historic Preservation Officer to determine whether facility activities could potentially affect sites or properties on or eligible for listing on the National Register of Historic Places. Proposed facilities which may adversely affect these properties will not be authorized to discharge under this general permit.

XI. FEES

The annual maintenance and surveillance fee for the Construction/Demolition Debris and Woodwaste General Permit will be \$660.00. A twenty percent surcharge will be added to the annual fee (total fee of \$792.00) of all facilities located in the following basins: Atchafalaya River, Barataria, Lake Pontchartrain, Mississippi River, or Terrebonne. Monies collected through this surcharge are deposited in the Oyster Sanitation Fund, which is used to support molluscan sanitation efforts.

XII. IMPLEMENTATION

An Appendix A will be used in the issuance of this permit which will assign outfall numbers to the discharge points at each facility, and also will state which set of effluent limitations and monitoring requirements should be followed for each outfall.

XIII. SCHEDULE OF COMPLIANCE

The permittee is to attain compliance with the permit limitations and conditions on the date of authorization of coverage by this permit.

XIV. STATE WATER QUALITY NUMERICAL STANDARDS

The general criteria and numerical criteria which make up the stream standards are provided in the "Louisiana Surface Water Quality Standards", (LAC 33:IX. Chapter 11, amended as of April, 2005).

The permit would require as an eligibility condition that covered discharges not cause or have the reasonable potential to cause or contribute to a violation of a state water quality standard. If a discharge is known to be doing such the operator must seek coverage under an alternative permit. Where a discharger is already operating under the permit and is later discovered to cause or have the reasonable potential to cause or contribute to the violation of a state water quality standard, the permitting authority will notify the operator of such violation(s) and the permittee shall take all necessary actions to ensure future discharges do not cause or contribute to the violation of a water quality standard and document these actions in the pollution prevention plan. If violations remain or recur then coverage under the permit will be terminated after alternative coverage is obtained. Compliance with this requirement does not preclude any enforcement activity as provided by the Louisiana Environmental Quality Act (La. R.S. 30:2001, et. seq.) for the underlying violation. A permit reopener clause is included in the permit.

To assure that state water quality standards are achieved, the following language is being included in the general permit (Part II.C) along with a reopener clause (Part II.E).

LAC 33:IX.1113 describes numerical and general criteria that apply to all water bodies of the state. Criteria are elements of the water quality which set limitations on the permissible amounts of a substance or other characteristics of state waters. The General Criteria, as described in the Louisiana Administrative Code, limit discharges to maintain aesthetics, color, turbidity, the biological and aquatic community integrity, and many other elements in the receiving water body. Any excursion of the Numerical or General Criteria which results from this facility's discharge shall be a violation of this permit.

To comply with the requirements of LAC 33:IX.2317.A.9, this permit does not authorize a discharge at an operation which is classed as a new source or new discharge, as defined at LAC 33:IX.2313, if the discharge will cause or contribute to the violation of water quality standards. As with other LPDES general permits issued by this Office, an extensive eligibility review, based on the NOI requirements plus any additional clarifying information, including a site visit if needed, is performed before authorization under the permit can be granted. Proposed discharges to receiving streams which are listed on the state's 303(d) list will be evaluated, based on information which must be provided in the application form (NOI Form C&D-G) to determine their potential to cause or contribute to a violation of water quality standards. Evaluation of proposed discharge characteristics including volume, frequency, and method of release, distance from receiving stream, receiving

stream hydrology, plus any other relevant factors, will be completed. Documentation to support the permitting determination will be included in the statement of basis which must be prepared prior to the authorization of any discharge under the permit.